



PUBLIC NOTICE

Federal Communications Commission
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STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 21-23

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.²

Schools and Libraries (E-Rate) CC Docket No. 02-6

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements³

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(1) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c); 54.1718(a)(1)-(2). In this Public Notice, we have reclassified as Requests for Waiver any appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); see also *Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require: (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone, Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing

(continued....)

Inner City Christian School, FL, No Application Number Given, CC Docket No 02-6 (filed Aug. 18, 2021)

Dismissed on Reconsideration⁴

Ascent Classical Academy DougCo Consortium, CO, Application No. 211039802, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 1, 2023)

North Country Library System, NY, Application No. 221040906, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 4, 2023)

Synergetics Diversified Computer Services, Inc. (West Bolivar Consolidated School District), MS, Application No. 191034303, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 2, 2023)

Granted⁵

*Discount Calculation*⁶

New Generation School, FL, Application No. 231030307, Request for Review, CC Docket No. 02-6 (filed Aug. 18, 2023)

*Discount Calculation—Information Submitted Outside Permitted Time Period*⁷

St. Landry Charter School, LA, Application Nos. 211039482, 211038742, Request for Review, CC Docket No. 02-6 (filed Dec. 13, 2022)

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without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

⁴ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

⁵ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁶ See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10708, para. 12 (WCB 2006) (*Academia Claret Order*) (remanding applications for further processing when, upon de novo review, the Commission disagreed with USAC's discount calculation determination).

While we grant this appeal, we agree with USAC that it was not possible to determine the date of the information submitted by New Generation School to calculate its discount for funding year 2023. In future years, New Generation School should update its forms to reflect the correct funding year it is seeking funding from the E-Rate program.

⁷ See, e.g., *Academia Claret Order*, 21 FCC Rcd at 10708, para. 12 (allowing the submission of discount calculation information when the applicant was previously unable to fully comply with the document request within USAC's permitted time period).

*Discount Calculation—Remand for USAC Determination*⁸

Albert Einstein Academy for Letters, Arts and Sciences, OH, Application No. 211010248, Request for Review, CC Docket No. 02-6 (filed July 26, 2021)

*Duplicative Services—Remand for USAC Determination*⁹

Seneca Family of Agencies, CA, Application No. 201003362, Request for Review, CC Docket No. 02-6 (filed Dec. 5, 2022)

*Eligible Entities*¹⁰

Baltimore City, MD, Application Nos. 161003174, 171000385, 181014684, 181016980, 181018926, 201024172, 201024174, 211029432, 211029797, 211011944, 221037492, and 221016014, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Feb. 17, 2023)

*Grant on Reconsideration—Late-Filed FCC Form 471 Applications*¹¹

Acanc Consortium, Ascent Classical Academy Dougco Consortium, Aspen Community School Consortium, Carbondale Community School Consortium, Rocky Mountain Classic Academy, Talmudical Academy-Baltimore, Texas Torah Institute, University Preparatory School, University Prep Steele Street Inc., Application Nos. 231039229, 231039414, 231039411, 231039413, 231039224, 231039225, 231039226, 231039231, 231039230, 231039227, 231039228, Petition for Reconsideration, CC Docket No. 02-6 (filed Aug. 30, 2023, supplemented Sept. 25, 2023 and Sept. 27, 2023)

⁸ USAC denied the petitioner’s funding request based on documentation regarding student counts that did not come from an acceptable source, such as a school official or employee. Because there was no outreach and the denial explanation only said that the academy “failed to supply documentation to support the requested” student counts, USAC should work with Albert Einstein Academy for Letters, Arts and Sciences on remand to explain what documentation is required. *See, e.g., Academia Claret Order*, 21 FCC Rcd at 10708-09, para. 12-13 (remanding appeals when there is no explanation in the record why USAC denied the requested discount rate). *See also supra* note 5.

⁹ The application number and date filed for Seneca Family of Agencies were incorrect in a previous public notice. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. CC Docket No. 02-6, 21-93, 02-60, 18-213, 10-90, Public Notice, DA 23-883 (WCB Oct. 2, 2023). We include the entry in this public notice with the correct information.

¹⁰ *See Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8747, 8750-51, paras. 7-8 (2007) (finding that applicants had provided sufficient documentation to show that they might be eligible for E-Rate support, justifying further review by USAC to reach a definitive determination). Consistent with precedent, we remand this application to USAC for consideration of the eligibility of entities listed on the invoice given the additional documentation submitted. *Id.*

¹¹ *See, e.g., Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (*Callisburg Independent School District Order*) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Acorn Public Library District, et al.*, CC Docket No. 02-6, Order, 23 FCC Rcd 15474, 15476-79, paras. 6-7 (WCB 2008) (*Acorn Public Library Order*) (granting waiver requests where petitioners filed their FCC Forms 471 late because of an illness of the E-rate staff person or from the death of a member or his or her family).

*Grant on Reconsideration—Waiver of Appeal Filing Deadline*¹²

Keller Independent School District, TX, Application No. 191041828, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 2, 2023)

*Incorrect Service Start Date on FCC Form 486*¹³

Riverdale Unified School District, CA, Application No. 201046858, Request for Review, CC Docket No. 02-6 (filed Dec. 12, 2022)

*Late-Filed FCC Form 486*¹⁴

Lakeview School District, MI, Application No. 221028584, Request for Review, CC Docket No. 02-6 (filed Sept. 28, 2023)

¹² See, e.g., *Callisburg Independent School District Order*, 28 FCC Rcd at 9461, para. 5 (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our previous determination); *Requests for Review of Decisions of the Universal Service Administrator by ABC Unified School District*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (granting waivers of appeal filing deadline when the petitioners submitted their appeals or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a determination on the merits. See *supra* note 5.

¹³ See, e.g., *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006) (*Glendale Unified School District Order*); *Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (*Harvey Public Library District*) (both orders granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486).

Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Barrow County School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 4028, 4029, para. 2 (WCB 2011) (*Barrow County School District*) (waiving the filing deadline for petitioners that filed the appeal as soon they received actual notice of the mistake).

¹⁴ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing).

Consistent with precedent, we also find good cause exists to waive section 54.720(a) or (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision, for Lakeview School District. See, e.g., *Barrow County School District Order*, 26 FCC Rcd at 4029, para. 2 (waiving the filing deadline for petitioners that filed the appeal as soon they received actual notice of the mistake).

*Ministerial and/or Clerical Errors*¹⁵

Arkansas Division of Information Systems, AR, Application Nos. 161060951, 161061038, Request for Review, CC Docket No. 02-6 (June 9, 2020)

Beaverton School District, OR, Application No. 221007970, Request for Waiver, CC Docket No. 02-6 (filed Oct. 6, 2023)

Berkeley School District 87, IL, Application No. 201016403, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Dec. 20, 2022)¹⁶

Chautauqua Cattaraugus Library System, NY, Application No. 231034590, Request for Waiver, CC Docket No. 02-6 (filed Jun. 27, 2023)

Choanoke Area Development, NC, Application No. 231037705, Request for Waiver, CC Docket No. 02-6 (filed Sept. 21, 2023, supplemented Oct. 15, 2023)

Darbonne Woods Charter School, LA, Application No. 211007055, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Oct. 11, 2023)

Hutto Independent School District, TX, Application Nos. 231023790, 231023810, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 14, 2023)

Imagine Schools Riverside, CA, Application No. 221021178, Request for Waiver, CC Docket No. 02-6 (filed July 26, 2023, supplemented Oct. 12, 2023)

Middle County Central School District, NY, Application No. 221015667, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 28, 2023, supplemented Oct. 4, 2023)

New Mexico Military Institute, NM, Application Nos. 221014463, 221036882, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Mar. 6, 2023, supplemented Sept. 19, 2023)

¹⁵ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, CC Docket No. 02-6, Order, 25 FCC Rcd at 17319, 17319-20, para. 2, nn. 5, 15, 17, 20 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting waivers where the applicant or USAC entered the wrong discount rate, selected the wrong category of service on its FCC Form 471 or the applicant omitted entities or services from source documents onto its FCC Form 471); *Requests for Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son*, CC Docket No. 02-6, Order, 22 FCC Rcd, 19227, 19228-29, paras. 3-4 (WCB 2007) (*Joseph Jingoli & Son Order*) (granting petitioners' request to correct a mistaken cancellation of a funding request); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521 n.19 (WCB 2008) (*Archer Public Library Order*) (permitting applicant to correct a mischaracterization of the nature of a recipient of service on form 471); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket 13-184, 29 FCC Rcd 8870, 8955-56, para 218 (2014) (*First 2014 E-Rate Modernization Order*) (finding that "an applicant can add eligible schools within its district that were inadvertently omitted from its applications, even after the deadline for making changes to the FCC Form 471.").

¹⁶ Although the petitioner does not raise this argument, we are remanding this matter to USAC to determine whether there was a clerical error on the FCC Form 471 or mistake during the invoicing stage that resulted in the services listed to be misclassified. We make no finding on the underlying issues in this appeal and remand the application back to USAC to make a determination on the merits. See *supra* note 5.

Vidalia City Schools, GA, Application No. 231036547, Request for Waiver, CC Docket No. 02-6 (filed Oct. 10, 2023)

West Aurora School District, IL, Application No. 231028450, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Aug. 18, 2023, supplemented Aug. 25, 2023)

Winn Parish School District, LA, Application No. 231003855, Request for Review and/or Waiver, CC Docket No. 02-6 (filed July 28, 2023, supplemented Oct. 3, 2023)

*Waiver of the Red Light Rule*¹⁷

Adelphoi Education School District, PA, Application Nos. 231009032, 231024835, 231024540, 231017860, 231016379, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2023)

*Waiver of Special Construction Service Delivery Deadline*¹⁸

North Central Consortium, NM, Application No. 201026229, Request for Waiver, CC Docket No. 02-6 (filed Aug. 18, 2023)

Denied

*Discount Calculation*¹⁹

Online School of Arizona, AZ, Application No. 221036345, Request for Review, CC Docket No. 02-6 (filed Aug. 24, 2022)

¹⁷ See *Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 12334, 12338-39, para. 14, n.43 (WCB 2018) (*Metropolitan Nashville Public Schools Order*)(holding that waiver of the red light rule was warranted given the grossly disproportionate penalty of funding loss coupled with the other unique circumstances present, including the payment of the debt shortly after it received notice of the debt).

¹⁸ See, e.g., *Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (*Grants/Cibola Order*) (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that this entity was unable to complete implementation for reasons beyond its and its service provider's control and made good faith efforts to comply with Commission rules and procedures. We grant Central Consolidated School District 22 until June 30, 2024 to complete its project. We grant North Central Consortium until June 30, 2024 to complete its project. Accordingly, we waive the special construction service delivery deadline and direct USAC to provide the applicant this additional time to complete its special construction project. We also waive any associated administrative or procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. See *supra* note 5.

¹⁹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Enterprise City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2372, para. 1 (2012) (*Enterprise City Schools Order*)(finding that applicants did not provide sufficient documentation to support their requested discount rate).

*Duplicative Services*²⁰

Addie Mae Collins Community Service, NY, Application No. 221006772, Request for Review, CC Docket No. 02-6 (filed Dec. 24, 2022, referral from USAC filed Jan. 4, 2023)

*Failure to File FCC Form 470 for Current Funding Year*²¹

Developmental Disabilities Institute, NY, Application No. 211011173, Request for Review, CC Docket No. 02-6 (filed Apr. 24, 2018)

*Ineligible Services*²²

Nevada Virtual Academy, NV, Application No. 181003354, Request for Review, CC Docket No. 02-6 (filed Oct. 29, 2018)

Nevada Virtual Academy, NV, Application Nos. 161016746, 171014517, 191007366, 201002673, 211005339, Request for Review, CC Docket No. 02-6 (filed Nov. 30, 2021)

*Late-Filed FCC Form 471 Applications*²³

Caesar E. Chavez Consortium, OH, Application No. 231039660, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2023)²⁴

Gladewater ISD, NH, Application No. 231039730, Request for Waiver, CC Docket No. 02-6 (filed Sept. 6, 2023)

²⁰ The appeal date was incomplete for Addie Mae Collins Community Service in a previous public notice. The public notice did not include the date of the original appeal, which was Dec. 24, 2022. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. CC Docket No. 02-6, 21-93, 02-60, 18-213, 10-90, Public Notice, DA 23-883 (WCB Oct. 2, 2023). We include the entry in this public notice with the correct information.

²¹ See, e.g., *Review of the Decision of the Universal Service Administrator by Aberdeen School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (*Aberdeen School District Order*) (denying appeal where applicant failed to file a new FCC Form 470 and solicit bids in the year for which it sought services, thereby circumventing the competitive bidding process).

²² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by AllWays, Inc. (Prairie Hills School District 144); Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1968, 1968-69, para. 1 (WCB 2012) (upholding denials of funding requests for services that are not eligible for E-rate support).

²³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science, et al*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing window deadline where petitioners failed to present special circumstances justifying waivers of our rules).

²⁴ Caesar E. Chavez Consortium initially filed a waiver request on July 13, 2023, which was denied. See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 10-90, 06-122, Public Notice, DA 23-756 (WCB Aug. 31, 2023). Before the Bureau denied the waiver request, Caesar E. Chavez Consortium filed a second waiver request for the same FCC Form 471 application, which included details explaining why the application was filed late. We again find that the petitioner failed to present special circumstances justifying a waiver of our rules and we deny its second waiver filing.

Glenbrook School of Minden, LA, Application No. 231039803, Request for Waiver, CC Docket No. 02-6 (filed Sept. 12, 2023)

Hernando County School District, FL, Application No. 231039825, Request for Waiver, CC Docket No. 02-6 (filed Sept. 25, 2023)

Marseilles Public Library, IL, Application No. 231039768, Request for Waiver, CC Docket No. 02-6 (filed Aug. 29, 2023)

Moore Public Memorial Library, MT, Application No. 231039810, Request for Waiver, CC Docket No. 02-6 (filed Sept. 20, 2023)

Robert J. Kleberg Public Library, TX, Application Nos. 231039740, 231039640, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2023)²⁵

Rollinsford School District, NH, Application No. 231039783, Request for Waiver, CC Docket No. 02-6 (filed Sept. 5, 2023)

Solomon Schechter Day School Of Greater Monmouth County, NJ, Application No. 231039761, Request for Waiver, CC Docket No. 02-6 (filed Sept. 18, 2023)

Springwood School, AL, Application Nos. 231039840, 231039841, Request for Waiver, CC Docket No. 02-6 (filed Sept. 27, 2023)

St. Anne Pacelli School, GA, Application No. 231039662, Request for Waiver, CC Docket No. 02-6 (filed July 3, 2023)

Tensas Academy, LA, Application No. 231039778, Request for Waiver, CC Docket No. 02-6 (filed Aug. 30, 2023)

*Late-Filed Invoice or Invoice Deadline Extension*²⁶

Ford Heights School District 169, IL, Application No. 211025264, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2023)

²⁵ We also deny this waiver request because it was filed more than 60 days after the date the Robert J. Kleberg Public Library received notice that the FCC Form 471 applications were filed out of window. *See, e.g., Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823, para. 1 (WCB 2014) (*Bound Brook School District Order*) (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule).

²⁶ 47 CFR § 54.514. *See also, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (*Ada School District Order*) (denying requests for waiver of the Commission's invoice filing deadline rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); *see also First 2014 E-Rate Modernization Order*, 29 FCC Rcd at 8966, para. 240 (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances).

Reliable Network Solutions (Central Lee Comm SD), IA, Application No. 211014961, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2023)

*Ministerial and/or Clerical Errors*²⁷

Fremont Co School District 14, WY, Application No. 211032683, Request for Waiver, CC Docket No. 02-6 (filed Oct. 6, 2023)

*Relying on FCC Form 470 That Did Not Seek Bids on Types of E-rate Services Later Requested*²⁸

Central California Child Development Services, Inc., CA, Application No. 221032624, Request for Review, CC Docket No. 02-6 (filed Jan. 4, 2023)

Jefferson County Public Schools, KY, Application No. 171026261, Request for Waiver, CC Docket No. 02-6 (filed Sept. 6, 2023)

*Untimely Filed Appeals or Waiver Requests*²⁹

American Internet Group, LLC (Detroit Edison PS Academy, New Paradigm College Prep Academy, New Paradigm Glazer Academy, New Paradigm Loving Academy, University Yes Academy), MI, Application Nos. 211024897, 211035203, 211036278, 211039036, 211039471, Request for Waiver, CC Docket No. 02-6 (filed Sept. 26, 2023)

Aspiranet dba Fusion Charter School, CA, Application No. 181028269, Request for Waiver, CC Docket No. 02-6 (filed Aug. 31, 2023)

Estill County School District, KY, Application No. 221029143, Request for Waiver, CC Docket No. 02-6 (filed June 13, 2023)

Fairfield Community School District, IA, Application No. 231015931, Request for Waiver, CC Docket No. 02-6 (filed Sept. 13, 2023)

FastTrack Communications (Pine River Public Library), CO, Application No. 211040233, Request for Waiver, CC Docket No. 02-6 (filed May 5, 2023)

²⁷ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (*Assabet Valley Order*) (finding that the petitioners did not demonstrate good cause to justify waivers of the Commission's rules permitting changes to the applicants' E-Rate applications after the filing window deadline).

²⁸ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Albert Lea Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 24 FCC Rcd 4533 (WCB 2009); *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 9289 (WCB 2014) (denying appeals of applicants that filed FCC Forms 470 that did not include the types of services for which the applicants later requested E-rate funding).

²⁹ See, e.g., *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6 (WCB 2010); *Bound Brook School District Order*, 29 FCC Rcd 5823, para. 1 (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule).

Holyoke School District Re-1J, CO, Application No. 211031257, Request for Waiver, CC Docket No. 02-6 (filed May 3, 2023)

Meritworks Partners, LLC (KIPP Indianapolis, Inc.), IN, Application No. 201033721, Request for Waiver, CC Docket No. 02-6 (filed Feb. 22, 2023)

Mora School District 332, MN, Application No. 221009881, Request for Waiver, CC Docket No. 02-6 (filed Sept. 19, 2023)

Success Academy Charter Schools, NY, Application No. 201026875, Request for Waiver, CC Docket No. 02-6 (filed May 4, 2023)

Emergency Connectivity Fund Program

WC Docket No. 21-93

Granted³⁰

*Early Delivery*³¹

Kettle Moraine School District, WI, Application No. ECF202201250, Request for Waiver, WC Docket No. 21-93 (filed Sept. 26, 2023)

Readington Township School District, NJ, Application No. ECF202202995, Request for Waiver, WC Docket No. 21-93 (filed Oct. 18, 2023)

*Granting Additional Time to Respond to USAC's Request for Information*³²

Quality Education and Development LLC, NY, Application Nos. ECF222120792, ECF202106910, ECF202114320, ECF202106919, ECF202112105, ECF202107497, ECF202112049, Request for Review and/or Waiver, WC Docket No. 21-93 (filed Oct. 11, 2023)

³⁰ See *supra* note 5.

³¹ See *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, 37 FCC Rcd 7445, 7459 n.25 (WCB 2022) (granting requests for waivers for equipment delivered before the start of the approved funding year).

³² See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review for applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

*Ministerial and/or Clerical Errors*³³

New Springs School, FL, Application No. ECF202209001, Request for Review and/or Waiver, WC Docket No. 21-93 (filed July 26, 2023)

*Payment Verification*³⁴

Norwood School District 14, OK, Application No. ECF202205173, Request for Waiver and/or Review, WC Docket No. 21-93 (filed Sept. 28, 2023)

*Waiver of Service Delivery Date*³⁵

Pike County Public Library District, KY, Application No. ECF202112478, Request for Waiver, WC Docket No. 21-93 (filed Sept. 27, 2023)³⁶

Yupiit School District, AK, Application No. ECF202112448, Request for Waiver, WC Docket No. 21-93 (filed Oct. 17, 2023)³⁷

³³ See, e.g., *Ann Arbor Public Schools Order*, 25 FCC Rcd at 17320-21, para. 2, n.5 (permitting applicant to add an omitted item that was on its source list). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules.

³⁴ See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Youthbuild Columbus Community School; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 337, 339, paras. 5-6 (WCB 2011) (granting an appeal of a commitment adjustment action where applicant provided evidence of payment of non-discount share on appeal). Consistent with precedent, we also find good cause exists to waive section 54.1718(b)(1) of the Commission's rules, which requires petitioners to file their appeals within 30 days of an adverse USAC decision, because the applicant filed its request within a reasonable period of time of receiving actual notice, there was no actual violation of program rules, and this is an emergency program. See, e.g., *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission within a reasonable period of time after receiving actual notice of USAC's adverse decision). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to this petition for waiver of the Emergency Connectivity Fund program rules.

³⁵ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the deadline for service implementation when applicants demonstrated they were unable to complete implementation on time for reasons beyond their control and made significant efforts to secure the necessary extensions).

³⁶ Consistent with the six-month extension granted to some applicants on May 12, 2023, we waive the service delivery deadline and direct USAC to set a new service delivery deadline of December 27, 2023, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405 (WCB May 12, 2023) (extending the deadline of equipment funding requests from the first and second application filing window by 180 days). We also waive any associated administrative or procedural deadlines that might be necessary to effectuate our ruling. See *supra* note 5. Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to this petition for waiver of the Emergency Connectivity Fund program rules.

Denied*Untimely Filed Appeals or Waiver Requests*³⁸

Ivymount School, MD, Application Nos. ECF202205196, ECF202203652, Request for Waiver and/or Review, WC Docket No. 21-93 (filed Oct. 9, 2023)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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³⁷ Consistent with the extension granted to some applicants on May 12, 2023, we waive the service delivery deadline and direct USAC to set a new service delivery deadline of June 30, 2024, and adjust any associated administrative or procedural deadlines, including the invoice deadline, that might be necessary to effectuate our ruling. *See Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, DA 23-405 (WCB May 12, 2023) (extending the deadline of recurring services funding requests from the first and second application filing window to June 30, 2024). We also waive any associated administrative or procedural deadlines that might be necessary to effectuate our ruling. Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve this petition for waiver of the Emergency Connectivity Fund program rules.

³⁸ *See, e.g., Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order*, 29 FCC Rcd at 5823, para. 1 (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within the required timeframe; or failed to submit their waiver requests to the Commission within the required deadline set forth by the Commission's rules; and (2) did not demonstrate special circumstances necessary for the Commission to waive the rule). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program, we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. We note that the Commission adopted a shortened waiver and appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergent nature of the program. *See* 47 CFR § 54.1718; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8740, 8746, paras. 90, 107. As such, absent special circumstances, appeals of USAC's decisions or requests for waiver of Emergency Connectivity Fund Program rules that are filed later than 30 days as required by section 54.1718 of the Commission's rules will be denied.